

**REMARKS****Drawing Objections**

The drawings are objected to under 37 CFR 1.83(a) for allegedly not showing all features of the claimed invention, and in particular, "wherein at least one message of said plurality of electronic mail messages has not been classified, before determining that a threshold number of said plurality of electronic mail messages have a particular content, as belonging to said first type." This allegation is incorrect. FIG. 3 clearly shows an embodiment of this feature. At step 306, an electronic mail message is only further processed if it has not been marked as bulk electronic mail (see also Application, page 17, lines 10 – 17). The step is performed before step 342, where the electronic mail message is marked as bulk mail if a count of matching signature elements is exceeded.

**Rejections Under 35 USC 112**

Claims 4 – 7, 15, 18, and 31 have been rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Office Action states that the rejection may be overcome if "signature elements" were amended to "message signature elements". The claims have been amended accordingly. Reconsideration and removal of this rejection is respectfully requested.

**Rejections Under 35 USC 103****Claims 1 and 26**

Claims 1 and 26, as well as 15 – 19, and 26 – 32 are rejected under 35 USC 103(a) as being unpatentable over U.S. Publication No. 2002/0016824, herein Leeds, in view of U.S. Patent No. 6,161,130, herein Horvitz.

Claims 1 and 26, as amended, include the limitations of allowed claim 37, which the Office Action states contains allowable subject matter. Therefore, claims 1 and 26 as amended are patentable. Reconsideration and removal this rejection for claims 1 and 26 is respectfully requested.

### **Claims 10 and 29**

Claims 10 and 29, as amended, contain all the limitations of claim 30, which the Office Action states contains allowable subject matter. Therefore, claims 10 and 29 as amended are patentable. Reconsideration and removal this rejection for claims 10 and 29 is respectfully requested.

### **New Independent Claims**

Claims 50 and 53 contain all the limitations of claim 5, which the Office Action states contains allowable subject matter. Therefore, claims 50 and 53 are patentable.

### **Dependant Claims**

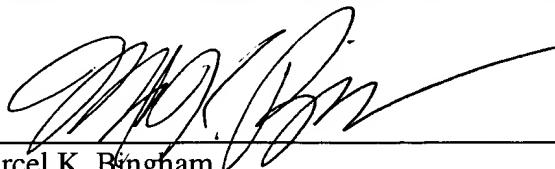
The pending claims not discussed so far are dependant claims that depend on an independent claim that is discussed above. Because each of the dependant claims include the limitations of claims upon which they depend, the dependant claims are patentable for at least those reasons the claims upon which the dependant claims depend are patentable. In addition, the dependent claims introduce additional limitations that independently render them patentable.

For the reasons set forth above, Applicant respectfully submits that all pending claims are patentable over the art of record, including the art cited but not applied. Accordingly, allowance of all claims is hereby respectfully solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



\_\_\_\_\_  
Marcel K. Bingham  
Reg. No. 42,327

Dated: December 26, 2003

1600 Willow Street  
San Jose, CA 95125  
Telephone No.: (408) 414-1080 ext.206  
Facsimile No.: (408) 414-1076

**CERTIFICATE OF TRANSMISSION MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (703) 746-7238

on 12/26/03 by Trudy Bagdon